

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

MATTHEW STRONG IZENBERG

Petitioner,

vs.

UNITED STATES OF AMERICA

Respondent.

ORDER TO RESPOND

Judge Dee Benson

Case No. 2:11-cv-972

Before the court is Petitioner's motion pursuant to 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. Pursuant to Rule 5 of the Rules Governing Section 2255 Proceedings for the United States District Courts, the Court ORDERS the United States Attorney to respond to the motion within forty-five days of the date of this Order.

IT IS SO ORDERED.

DATED this 14th day of November, 2011.



Dee Benson
United States District Judge

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

ALBERTO GOMEZ-TALavera, Petitioner, vs. UNITES STATES OF AMERICA, Respondent.	MEMORANDUM DECISION AND ORDER DENYING PETITIONER'S MOTION UNDER 28 U.S.C. § 2255 Civil Case No. 2:11-CV-1005 TS Criminal Case No. 2:10-CR-806 TS
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This matter is before the Court on Petitioner's Motion Under 28 U.S.C. § 2255. For the reasons discussed below, the Court will deny the Motion.

I. BACKGROUND

On September 1, 2010, Petitioner was named, along with his co-Defendant, in a felony information. Petitioner was charged with manufacture of a controlled substance by cultivation, possession of a firearm in furtherance of a drug trafficking crime, and illegal alien in possession of a firearm. Petitioner pleaded guilty to manufacture of a controlled substance by cultivation and being an illegal alien in possession of a firearm. On March 7, 2011, Petitioner was sentenced to the mandatory minimum term of 120 months.

Petitioner timely filed the instant Motion on October 28, 2011. Petitioner's Motion is written on a standard form, but the section where Petitioner is supposed to state the grounds on which he challenges his conviction has been left blank. Since the filing of his Motion, the Court has received no further correspondence from Petitioner.

II. DISCUSSION

Proceedings under 28 U.S.C. § 2255 “are used to collaterally attach the validity of a conviction and sentence.”¹ Rule 2 of the Rules Governing Section 2255 Proceedings for the United States District Courts requires a § 2255 motion to “specify all the grounds for relief available to the moving party;” “state the facts supporting each ground;” and “state the relief requested.”²

In his Motion, Petitioner sets forth absolutely no grounds for relief, nor does he state any facts or state the relief requested. Simply put, Petitioner provides nothing to the Court, let alone anything that would allow him to collaterally attack his sentence. As a result, the Court must deny Petitioner's Motion.

¹*McIntosh v. United States Parole Comm'n*, 115 F.3d 809, 811 (10th Cir. 1997); *see also* 28 U.S.C. § 2255(a) (“A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.”).

²Rules Governing Section 2255 Proceedings for the United States District Courts, Rule 2(b)(1)-(3).

III. CONCLUSION

Based upon the above, it is hereby

ORDERED that Petitioner's § 2255 Motion (Docket No. 1 in Case No. 2:11-CV-1005 TS) is DENIED for the reasons set forth above. It is further

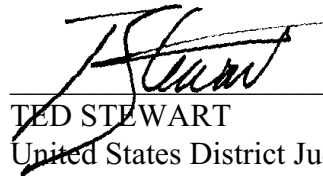
ORDERED that, pursuant to Rule 8(a) of the Rules Governing § 2255 Cases, an evidentiary hearing is not required.

The Clerk of Court is directed to close Case No. 2:11-CV-1005 TS forthwith.

SO ORDERED.

DATED November 17, 2011.

BY THE COURT:



TED STEWART
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CARLOS CHAVEZ,	:	
Plaintiff,	:	ORDER OF RECUSAL
vs.	:	
ROCHE PHARMACEUTICALS,	:	Case No. 2:11-cv-1021
Defendant.	:	

I recuse myself in this case, and ask that the appropriate assignment card equalization be drawn by the clerk's office.

DATED this 16th day of November, 2011.

BY THE COURT:



Clark Waddoups
United States District Judge

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

JOSE CRUZ-BANEGAS,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

ORDER


Civil Case No. 2:11-CV-1024 TS
Criminal Case No. 2:10-CR-724 TS

Petitioner, Jose Cruz-Banegas, an inmate in federal custody, has filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence. Under Rule 5 of the Rules Governing Section 2255 Proceedings for the United States District Courts,

IT IS HEREBY ORDERED that the Respondent respond to the Motion within sixty (60) days of this Order. Petitioner may file a reply thirty (30) days thereafter.

DATED this 16th day of November, 2011.

BY THE COURT:



TED STEWART
United States District Judge

DAVID B. BARLOW, United States Attorney (# 13117)
JOHN K. MANGUM, Assistant United States Attorney (# 2072)
185 South State Street, #300
Salt Lake City, Utah 84111
Telephone: (801) 524-5682
Attorneys for Plaintiff, United States of America

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DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

UNITED STATES OF AMERICA,)	
)	Civil No. 2:11-cv-01042 BSJ
Plaintiff,)	
)	ORDER ADMITTING AARON M. BAILEY
v.)	PRO HAC VICE
)	
WADE MARTINEAU;)	
J.P. MORGAN CHASE & CO. as successor in)	Judge Bruce S. Jenkins
interest of Washington Mutual Bank;)	
ROBERT ECHARD; WELLS FARGO)	
BANK; UTAH STATE TAX COMMISSION;)	
BRANDON D. LEFF; and KARA LEFF;)	
)	
Defendants.)	

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Aaron M. Bailey as counsel for Plaintiff, United States of America, in the United States District Court, District of Utah, in the subject case is GRANTED.

Dated: this 16th day of November, 2011.


HON. BRUCE S. JENKINS
United States District Court Judge